

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**SIVAD DAVIS,**

**Petitioner,**

**vs.**

**9:09-CV-0291 (NAM/DRH)**

**RAMON CUNNINGHAM,**

**Respondent.**

**APPEARANCES:**

**OF COUNSEL:**

Sivad Davis  
98-B-0943  
Woodbourne Correctional Facility  
Riverside Drive  
Woodbourne, NY 12788  
Petitioner, *pro se*

Hon. Andrew M. Cuomo  
Attorney General for the State of New York  
The Capitol  
Albany, New York 12224-0341  
Attorney for Defendant

Paul Tarr, Esq.  
Assistant Attorney General

**Norman A. Mordue, Chief U. S. District Judge**

**ORDER**

The above matter comes to me following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed on the 22<sup>nd</sup> day of July 2010. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.

2. The petition for a writ of habeas corpus is denied. Petitioner has failed to make a substantial showing of a denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2); accordingly, no certificate of appealability shall issue.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

**IT IS SO ORDERED.**

Date: August 13, 2010  
Syracuse, New York

  
Norman A. Mordue  
Chief United States District Court Judge